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| DISTRICT OF NEVADA | |
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL BURGESS,

Plaintiff

v.

GUITERREZ, *et al.*,

Defendants

Case No. 3:20-cv-00175-MMD-CLB

ORDER

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections ("NDOC"), has filed a notice of complaint. (ECF No. 1-1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff sixty (60) days from the date of this order to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this order,

1 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
2 the correct form with complete financial attachments in compliance with 28 U.S.C. §
3 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
4 fee and the \$50 administrative fee).

5 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
6 **sixty (60) days** from the date of this order.

7 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
8 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
9 Clerk of the Court will also send Plaintiff a copy of his notice of complaint. (ECF No. 1-
10 1).

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

13 DATED: 3/19/2020

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15 UNITED STATES MAGISTRATE JUDGE
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